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*Representing the United States of America*

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSEPH GIULIANO,

Defendant.

Case No. 2:14-cr-371-HDM-DJA

ORDER GRANTING  
TWELFTH STIPULATION  
TO CONTINUE  
SENTENCING

This stipulation is timely filed.

The United States of America, through Nicholas A. Trutanich, United States Attorney, and Daniel J. Cowhig, Assistant United States Attorney, and the defendant Joseph Giuliano, by and through his counsel, Shawn R. Perez, Esq., stipulate and agree and jointly move this Honorable Court to vacate the sentencing hearing set for Thursday, October 15, 2020 at 12:00 p.m. and reset the sentencing proceedings in this matter at a date six (6) months from the current setting.

1 The parties make this stipulation and motion for good cause and not for the purposes of  
2 delay. Mr. Giuliano prefers an in-person sentencing without masks after an opportunity to  
3 consult and prepare with his counsel in person and asks that the sentencing be deferred until  
4 prudent safety measures established by the Court would allow that to happen without  
5 unnecessary risk to any of persons involved.

6 The government does not believe that on balance the interests of justice would be  
7 harmed by a continuance to accommodate Mr. Giuliano's preference for an in-person  
8 sentencing proceeding without masks. Should conditions permit an earlier sentencing, the  
9 government will not oppose a request by Mr. Giuliano to advance his sentencing.

10 The possibility remains that defendant Giuliano may be called to testify in proceedings  
11 in a related case or assist in other matters pursuant to his plea agreement. The parties agree that  
12 it is in the interest of justice to defer sentencing until those related matters have been resolved.  
13 Defendant Giuliano believes it is in his best interest to do so.

14 Defendant Giuliano is not in custody and agrees to this continuance.

15 Denial of this request for continuance could result in a miscarriage of justice.

16 This is the twelfth request to continue sentencing in this matter.

17 The parties respectfully request this Honorable Court issue the attached proposed Order  
18 to accomplish these ends.

19 Dated September 10, 2020

20 NICHOLAS A. TRUTANICH  
21 United States Attorney

22 \_\_\_\_\_//s//\_\_\_\_\_  
23 SHAWN R. PEREZ, ESQ.  
24 Counsel for Defendant JOSEPH  
GIULIANO

\_\_\_\_\_/s//\_\_\_\_\_  
DANIEL J. COWHIG  
Assistant United States Attorney

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4 UNITED STATES DISTRICT COURT  
5 DISTRICT OF NEVADA

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7 UNITED STATES OF AMERICA,

8 Plaintiff,

9 vs.

10 JOSEPH GIULIANO,

11 Defendant.

Case No. 2:14-cr-371-HDM-DJA

**ORDER**

12  
13 **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

14 Based on the stipulation of the parties and the record in these matters, the Court finds that the  
15 parties make this stipulation and motion for good cause and not for the purposes of delay. On  
16 the government's representation that it does not believe that on balance the interests of justice  
17 would be harmed by a continuance to accommodate Mr. Giuliano's preference for an in-person  
18 sentencing proceeding without masks and the record in this matter, the Court finds that the  
19 interests of justice would not be harmed by the continuance of this sentencing proceeding.  
20 Further, the possibility remains that defendant Giuliano may be called to testify in proceedings  
21 in a related case or in other matters, pursuant to his plea agreement. The parties agree that it is  
22 in the interest of justice to defer sentencing until those related matters have been resolved.  
23 Defendant Giuliano believes it is in his best interest to do so.

24 Defendant Giuliano is not in custody and agrees to this continuance.


1 Denial of this request for continuance could result in a miscarriage of justice.

2 This is the twelfth request to continue sentencing in this matter.

3 **ORDER**

4 **IT IS HEREBY ORDERED**, on the stipulation of the parties and good cause appearing  
5 therefor, that the sentencing hearing set for Thursday, October 15, 2020 at 12:00 p.m. be  
6 vacated and reset for Tuesday, April 13, 2021, at 9:00 a.m. in a Las Vegas Courtroom to be  
7 determined before Judge Howard D. McKibben.

8 **IT IS SO ORDERED** this 11th day of September, 2020.

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UNITED STATES DISTRICT JUDGE  
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